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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/675,870 | 09/30/2003 | Rodolphe Marsot | 704-011538-US(PAR) | 6784 |
| 2512 | 7590 | 09/30/2004 | EXAMINER | |
| PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824 | | | HOOSAIN, ALLAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/675,870 | Applicant(s) MARSOT, RODOLPHE | |
| | Examiner Allan Hoosain | Art Unit 2645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/30/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the terminal" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,6-7,9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dahod et al.** (US 2004/0022208) in view of **Yaker** (US 6,137,864) and further in view of **Sacilotto, Jr. et al.** (US 6,763,523).

As to Claims 1-3,9, with respect to Figures 6-9, **Dahod** teaches a method of instant voice messaging in which a calling user, calling a called user, is connected to a voice messaging server, the method also comprising the following steps:

a voice prompt (greeting message) is played to the calling user (P0049,P0056),

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a voice message, sent by the calling user, is recorded on the voice server (P0054), wherein the method also comprising the following steps:

a multimedia message is produced, this message comprising a file corresponding to the recorded voice message and multimedia information corresponding to the calling user (P0073), the multimedia message is transmitted to the terminal of the called user (P0074),

Dahod does not teach the following limitations:

“the voice message and the multimedia message are erased”

However, it is obvious that **Dahod** suggests the limitation. This is because **Dahod** teaches deleting of VIMs (P0098). **Yaker** teaches deleting voice messages (Figure 2, label 208). **Sacilotto, Jr.** teaches deleting multi-media messages (Figure 5, label 520). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice message and multimedia message delete capability to **Dahod's** invention to delete messages as taught by **Yaker's** and **Sacilotto, Jr.'s** inventions in order to provide adequate amount of storage for users.

As to Claims 4-5, **Dahod** teaches a method according to claim 1, wherein a called user parametrizes a multimedia customer terminal to interrogate a multimedia server in order to retrieve the multimedia messages intended for the called user (P0097-P0098).

As to Claims 6-7, **Dahod** teaches a method according to claim 1 wherein, for the production of the multimedia message, a connection is made with a database to obtain production preferences associated with the called user for the formatting of the multimedia message (P0078,P0080).

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As to Claim 10, **Dahod** teaches a method according to claim 1, wherein the multimedia message comprises a piece of information to request the transmission of a message providing information on the reading, by the intended recipient, of the multimedia message (P0088).

As to Claims 11-13, **Dahod** teaches an instant voice messaging device comprising a voice messaging server capable of receiving a voice message from a calling user connected to the voice messaging server, wherein the voice messaging server is connected to a conversion server capable of producing a multimedia message comprising a file corresponding to the voice message and intended for a called user, and wherein the conversion server and the multimedia server are connected to a database server comprising information on the users of the device (Figures 11-12, P0084,P0092,P0101).

As to Claim 14, **Dahod** teaches a device according to claim 11, wherein the multimedia server comprises a mass storage unit to save the multimedia messages that are not downloaded by the user to whom the message is addressed (P0088).

5. Claims 5,8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Dahod** in view of **Yaker**, further in view of **Sacilotto, Jr.** and further in view of **Atkins et al.** (US 2003/0097410).

As to Claims 5,8, **Dahod** teaches a method according to claim 1, wherein a called user parametrizes a multimedia customer terminal so that this customer terminal accepts push messages corresponding to the produced multimedia message;

Dahod does not teach the following limitation:

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“push messages”

However, it is obvious that **Dahod** suggests the limitation. This is because **Dahod** teaches multiple call handling (P0081,P0085). **Atkins** teaches push messages (P0067). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add push message capability to **Dahod**'s invention to send messages to users as taught by **Atkin**'s invention in order to provide messages to users at anytime.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hasegawa (US 2002/0159569) teaches creating, storing and transmitting messages to users using a message storage system.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

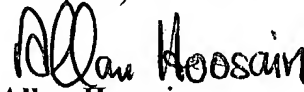
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "Allan Hoosain". The signature is stylized with a large, looped "A" and a cursive "H".

Allan Hoosain

Primary Examiner

9/27/04